

## No. 31 Bond street again.

## BOLD GAME OF FRAUD EXPOSED.

## Mrs. Cunningham would be a Mother.

## SHE IS CAUGHT IN HER OWN TRAP.

## ADVENTURES OF A BORROWED BABY.

## Truth Stranger than Fiction.

## STATEMENT OF DISTRICT-ATTORNEY HALL.

## EXPERIENCE OF DR. UHL.

## An Apothecary Doing the Groaning.

## STATEMENT OF DR. DE LA MONTAGNE.

## SNAN ACCOUCHMENT IN BOND STREET.

## THE BURDELL ESTATE CLAIMED FOR AN HEIR.

## Arrest of Mrs. Cunningham and her Daughters.

## ARREST OF HER ACCOMPLICE.

## SCENES AND INCIDENTS.

The public were set into a fever of excitement yesterday by the development of a new and bold maneuver in the complicated Burdell murder and property case, a plot so audacious and so deliberately carried out that it looks more like the romantic invention of a novel writer than the sober reality of actual experience. The history of the transaction, fully and accurately detailed, is given in the following accounts by our reporters:

## THE PLOT AND THE ACTORS.

While Mrs. Cunningham was confined in the Tombs, awaiting trial on the charge of murdering Dr. Burdell, she sent for Dr. Uhl, who had long been her regular family physician, to attend her. Dr. Uhl, however, hesitated to comply with her wishes until he obtained a written order from the District Attorney, which was readily granted. Upon visiting her, she intimated that she wished Dr. Uhl to prescribe for her as he would for any woman exhibiting symptoms of being in the family way. Upon hearing this remark from her, Dr. Uhl interrogated her as to her being *en ventre*. Mrs. C. in reply, said that she could not then give any information at that point; nothing further was then said on the subject, but in the course of a conversation between Dr. Uhl and Mrs. Foster, the matron of the City Prison, the latter observed that she had been given to understand by Mrs. C. that she (Mrs. C.) was likely to furnish an heir to the property of Dr. Burdell.

Although Dr. Uhl continued to visit Mrs. C. occasionally, at the Tombs, nothing further of interest transpired; but after her trial and acquittal, and her return to No. 31 Bond street, she again requested the attendance of Dr. Uhl, alleging that she had symptoms of pregnancy; and on one occasion she informed him that she desired to have her professional services during her approaching confinement. Dr. Uhl, not feeling exactly satisfied with the aspect of affairs, observed to Mrs. C. that in a case of this kind, where there had been so much notoriety given to every thing connected with her, he should require several physicians who were well known in the community, to be present when the anticipated interesting event should occur; that she should be permitted to select them, and further, that it was of the utmost importance that these gentlemen whom he should call in consultation should be allowed to make an examination of her person at the earliest possible opportunity.

Mrs. Cunningham apparently acquiesced in Dr. Uhl's suggestion, whereupon he mentioned to her the names of several eminent physicians he had selected for the purpose. From this time, Dr. Uhl perceived a great change in Mrs. Cunningham's bearing toward him, and she endeavored as much as possible to avoid having any conversation on the subject, and appeared anxious to defer the examination of her person. These circumstances naturally aroused the suspicions of Dr. Uhl that all was not exactly as it should be. He was induced to intimate the nature of his suspicions to one of the gentlemen connected with the case, and pressed upon the latter the importance of having the proposed examination made immediately, to know if all was right. The person alluded to, assured Dr. Uhl that all was straight in the matter, and that he was arranged for Dr. Catlin, of Brooklyn, and himself (Dr. Uhl), to attend her. (It may be proper here to observe, that up to this time, Dr. Uhl had no acquaintance with Dr. Catlin.)

In the course of a few days, Dr. Uhl called again upon Mrs. Cunningham, when she confessed to him that she was not *en ventre*, but that she should be obliged to produce a child, even if it should not be her own, and solicited the assistance of Dr. Uhl in the matter, for which service she promised to be quite liberal in a pecuniary point of view. Dr. Uhl, apparently acquiesced in her plans, and without giving her any definite answer or satisfaction, promised to call again at an early day. Thus discovering that Mrs. C. had not only been deceiving him, but that she also proposed implicating him in her crimes, he proceeded to the office of his legal adviser, David E. Wheeler, esq., laid the facts of the case before him, and asked his advice in the matter. Mr. Wheeler advised Dr. Uhl to remain quiet a few days and watch the proceedings and conduct of Mrs. Cunningham, and if any further progress was made in the fraud, to communicate with the District Attorney.

This course was pursued. After stating the facts to Mr. Hall, Dr. Uhl remarked that he desired to make an affidavit in the case and retire, as he should then feel that he had done his duty to the public without appearing conspicuously in the matter. The District Attorney would not agree to this course on the part of Dr. Uhl, and insisted that the latter should aid him in every possible way in making a perfect job of the case, by insuring the detection of the accused in the crime she then intended to commit. With the understanding of having another interview in reference to this matter at an early day, Dr. Uhl left and proceeded to consult with his legal adviser, some gentlemen of the medical profession, and other friends as to the course he ought to pursue in the matter, and, without a single exception, they not only urged but insisted that he do all in his power to further the ends of public justice, by assisting Mr. Hall. After mature deliberation, he concluded to do so, and acted thereupon under the District Attorney's directions.

According to the suggestions offered by Mr. Hall, Dr. Uhl occasionally called upon Mrs. Cunningham and conversed with her relative to the approaching event. It was finally arranged that Dr. Catlin of Brooklyn should attend her, and that Dr. Uhl should be called in to consult. In the course of a conversation between Dr. Uhl and Mrs. Cunningham, the former inquired whether Dr. Catlin could be relied upon to the matter, or in other words, whether he could be trusted with the secret, and in reply, Mrs. Cunningham assured him that such was the case. "For," observed she, "I have him completely under my thumb."

About the same time, in a conversation between Dr. Catlin and Dr. Uhl, concerning the respective parts which they were to take in the approaching event, Dr. Catlin admitted that he had devised this scheme of

having a fictitious accountment from the beginning, and that he had done so because he thought she was an abused woman, who ought to be revenged; and he concluded that they needed another physician, and was pleased to find that Dr. Uhl had been selected. It was finally arranged that the great event of producing an heir for Dr. Burdell's property should take place some time this week, and to Dr. Uhl was intrusted the task of hunting up the "little stranger." Things having advanced thus far, Dr. Uhl, accompanied by Dr. De la Montagne, is brother-in-law of the District Attorney, immediately sallied out in quest of suitable apartments, of which they could obtain temporary occupation. Rooms were met with at No. 190 Elm street, and there, it was represented to Mrs. Cunningham, resided a married lady, who, during the absence of her husband in California, had been rather easy in her manners, and was about to give birth to a child, which she, under the circumstances, would be glad to dispose of. The room was at once neatly furnished with furniture from the house of the District Attorney. The rooms were taken possession of by Dr. Montagne, under the name of Karl L. Herring, to correspond with the initials upon a trunk purporting to belong to the California widow.

All things being ready for action here, and the Bellevue Hospital furnishing on Monday a fine new born infant, it was resolved by those in the secret to bring matters to a crisis at once. Mrs. Cunningham was accordingly notified that the heir had been born, and could be obtained that evening. Upon receiving this information, Mrs. C. said she would send a lady (whose name she refused to give) to look at the place so as to know where to go at a later hour. Dr. Uhl returned to No. 190 Elm street, and kept watch for the lady who was to be sent to reconnoiter the premises; and in a short time a person made her appearance, passed by and inspected the place. That lady, although in the disguise of a Sister of Charity, Dr. Uhl recognized as Mrs. Cunningham herself. As soon as she had left the neighborhood, Dr. Uhl again visited No. 31 Bond street, when Mrs. Cunningham called a lady, whom Dr. Uhl recognized as her sister (Mrs. Burns), into the room, and asked her if she was ready to go for the child, when Mrs. Burns asked for the dark dress, and Mrs. Cunningham told her where it was. It was then arranged between Mrs. C. and the Doctor that he should go to No. 190 Elm street, and wait at the front hall till the lady to be sent should come; and in order to avoid any mistake in the matter, the lady was to carry a white handkerchief in her hand. After waiting about fifteen minutes, the lady appeared who had previously reconnoitered the premises, carrying a white handkerchief in her hand as agreed upon. The lady wore a long, black dress, and hood or close bonnet, after the style worn by the Sisters of Charity—her face being almost covered; but from her manner, form and general bearing, Dr. Uhl again recognized her to be none other than Mrs. Cunningham herself. Dr. Uhl asked her if she had come for the child. She made no reply, but followed him up stairs, where, in the room appropriated for her reception, lay snugly encoined in bed, with night-cap and other feminine apparel on, a certain well-known doctor or druggist of this city, impersonating the dear, sick lady—the California widow—who had just got through the pain and suffering consequent upon such an occasion. Mrs. C. got the basket containing the "little stranger" and hurriedly left the building. Dr. Uhl then started for home, leaving the parties to attend to Mrs. C.'s movements outside, which plan of operation was most effectively carried out.

Dr. Uhl had been at home but a brief period, when he received a summons through a gentleman (a stranger) to repair immediately to No. 31 Bond street, as Mrs. Burdell was then suffering with labor pains. On arriving at the residence of Mrs. Cunningham, he was conducted to a darkened room, where Mrs. C. was in bed, and apparently suffering the pains of labor. Dr. Catlin and Mrs. Burns, sister of Mrs. Cunningham, were present. Dr. Catlin brought in a pall containing blood, with which the sheets were saturated; and, in due time, after considerable groaning and moaning, the expectant heir was brought forth and transferred over to the nurse, one Jane Bell, who washed and dressed it, while the doctors went through the process of bandaging the suffering but delighted mother, who took occasion to exclaim, with much earnestness, that she had put her trust in God, and in return He had been pleased to favor her.

At this stage of the farce, Dr. Uhl left the house and the case to the charge of others, who were on hand at the door. All this farce of the birth was performed on Monday night, between 11 and 12 o'clock.

**STATEMENT OF DISTRICT-ATTORNEY HALL.**  
The first announcement of the expectation of an heir to Dr. Burdell was made in Judge Dean's speech before the Surrogate on the 3d of July. He used the following language: "If it were true, that in the ordinary gestation, a child should be born to Harvey Burdell, then not only all the ties of blood and nature, but all the dictates of humanity, demanded that the Court should lean in favor of that *innocent unborn child*, rather than in favor of those who had no direct claim upon the property. He would say nothing of the consequences of a decree of bastardy in advance. With consequences they had nothing to do."

Shortly after the 4th of July, Dr. Uhl, whose acquaintance I had formed from his having been examining physician to the Coroners for some years antecedent to the present law in regard to them, and whom I have learned to regard as a very excellent physician, called upon me at my private office and said he had been sent by his counsel, David E. Wheeler, esq., to make a communication of great importance to me. He stated that he had been, as I was aware, the medical attendant of Mrs. Cunningham prior to the murder and during the coroner's inquest, and at various times afterward. He said that he supposed that she presumed upon that to breach to him the subject of her approaching confinement, and to intimate to him a wish that he should officiate as her assistant accoucheur. She was going to have Dr. Catlin, her own family physician, the same who attended her first husband in his last illness. (Dr. Catlin is the man who swore on the trial that Mrs. Cunningham had rheumatism on the fingers of her right hand, which caused her sometimes to use her left hand. He was brought to the stand to disprove the theory of the prosecution, that the prisoner was left-handed.)

Dr. Uhl went on to say that he had promised to become her attendant, and had supposed himself engaged as such. A few days passed by, and it became necessary for him to ascertain how she was progressing. Her answers were not satisfactory, and his suspicions were somewhat excited. He therefore pressed his inquiries, and her answers were so contradictory as to render him confident that something was wrong; in short he could not resist the conviction that she was meditating a fictitious delivery.

In this dilemma he went to his counsel and stated his case. Mr. Wheeler advised him that it was his duty to see me on the subject, and suggesting to him that perhaps I knew something about the matter. I told Dr. Uhl that I had understood that a certain doctor, whose name I had forgotten, had called upon one of the boys, and had stated that he was going to assist Mrs. Cunningham in her delivery, and could give them important evidence.

That statement rather corroborated Dr. Uhl's suspicions. He told me of the conversation he had had with her, and that he was ready to make the necessary affidavit.

I told him that the proceedings before the Surrogate were closed, and that was no particular offense, that I knew of, for a woman to give out that she was in the family way; that it was often done; but I had no doubt in my own mind, from Dean's strong language before the Surrogate, that there was something in it. I said to him that I thought he had a chance to put a wedge into the mystery of this complex crime of marriage and murder, and that I thought he could consistently with his duty as a professional man and as a citizen lend himself to the development of this thing;

last extraordinary means of detecting crime were sometimes valuable and necessary. I advised that he go to see her, hear what she had to say, and, if possible, enter into her plans, and without committing himself to anything deleterious or criminal, either in promise or in immediate act.

He said that he would like to reflect upon it, and in a day or two he called upon me and said he was satisfied, that it was his duty to aid me in the matter. I then proposed to him that he should represent to Mrs. Cunningham that he had a lady to be confined whose husband was in California, and who was desirous of holding from her husband what she expected to be confined about the first of August, and was to sail for California in September, and would give up the child and ask no questions. I told him that Mrs. Cunningham would probably send for the child and it could be marked in such a way that it could be identified, and she be detected in the very act of a fictitious delivery.

He said that he was satisfied that she was a very shrewd, plotting woman, from his last conversation with her, and the plan might not work, but he would do his best. He went to see her and threw out some hints, upon which she told him the whole thing; that she was not in the family way, and he had better go and see Dr. Catlin. He did so, and told him the story of the California widow; Catlin swallowed it.

Almost every day Dr. Uhl would come and see me at my house, generally late at night; neither of us mentioned it to anybody else; it became advisable to have the confinement hurried; I had received an intimation that possibly the Surrogate might decide the case by the middle of August, and thought we had better have it then.

He said I must see to providing the child, and I went to see Mr. George Kellogg, jr., who, as Superintendent of Out-door Poor, is in the habit of receiving foundlings. He told me that that source of supply was very precarious, and in fact he could not furnish a child without the consent of Govs. Smith or Townsend, the Committee on the Bellevue Hospital. I went to Washington Smith, and he told me that he would cautiously round Warden Daly, who had charge of the Lying-in Ward. It was not until the 30th of July, last Thursday, that I broached the thing to any one—it was on that day that I spoke to Messrs. Kellogg and Smith. On Saturday, Gov. Smith saw Daly. I went to Smith's house on Sunday.

In the mean time I found that it was necessary to have the cooperation of a physician who was not known in this City. I therefore chose Dr. De la Montagne, an old friend and classmate of mine and my personal physician. On Sunday night Gov. Smith saw me and told me that he would give me a letter next morning which would produce everything necessary. He accordingly gave me a letter stating that the Dr. who would present it was to be trusted with a child.

On Monday morning Dr. De la Montagne and myself went to Warden Daly and were informed that two children had been born during the night; one of the mothers would not part with her child, but the other would. We saw Dr. Uhl, who informed Mrs. Cunningham that the supposed California woman would be in labor that night; she prepared herself accordingly.

Unfortunately, Dr. Uhl had located her in Elm street, and he and myself searched for two hours on Monday morning, in that street, for furnished apartments, without finding any. At last we succeeded in discovering a parlor and bedroom. But they had to be furnished. I did not dare to trust it to outside parties, and so sent a cart up to my house and had furniture sent down.

It then became necessary to take into my confidence some of the police. I was not able to see Gen. Tallmadge, and I understood that Deputy Carpenter was well. But while thinking how I should find Inspectors Speight, Dilks and Hopkins, of the Twenty-first, Fifteenth and Third Wards, I met them all three together in Broadway, and made an appointment with them at 8 o'clock at the Fifteenth Ward Station House.

The furniture was got into the room not more than fifteen minutes before Mrs. Cunningham came into the street to reconnoiter, she having been told the No. 190. A respectable German named Veiser sells lager-beer there. After her reconnoitering, Dr. De la Montagne went to Bellevue, got the child with a nurse from the institution, and arrived at No. 190 Elm street shortly after dusk.

It is not by certain whether Mrs. Cunningham would come herself or send a messenger, or that she might not want to look into the room, get a friend of Dr. Uhl's, Dr. William N. Gilchrist, a druggist, at No. 624 Spring street, near by, to put on a night-cap and lie in bed and moan as if in all the agonies of after-birth. I had an old fishing basket, one of my own, with a small pillow in it, ready to put the child in to be given to the nurse.

When these matters were all arranged, I returned to the Station House, met the inspectors and told them all about it. They then conferred among themselves and agreed upon their course. Speight said he would spot Burdell street, Hopkins would spot the alley leading to the stable in the rear of No. 31 Bond street and communicating with the premises, and Dilks said he would take his station in front of Burton's Theater, where the flood of light thrown over Bond street would enable him to see what transpired there.

They had not been stationed long before Speight saw a woman dressed in dark clothes descend from the steps of No. 31 Bond street and go to the Bowery. He followed her. She had a Fourth avenue car and got in, and he got on the platform. He had no sooner got on than a friend spoke to him, saying: "Why, that's Mrs. Cunningham!" He tried to turn it off, and said: "Oh, no, that's not her!"

At the corner of Broome and Marion streets Mrs. Cunningham got off; she had no basket then. Speight rode on a few steps and got off, and followed her. She went to No. 190 Elm street, and entered that house.

Meantime I had stationed Dr. Montagne and Patrolman Walsh on the other side of Elm street to watch. Mrs. Cunningham went up stairs and looked in. The apothecary groaned satisfactorily; the nurse was ready with the baby and the basket; the basket was given her by Dr. Uhl with the proper amount of mystery, and she went down. The street is narrow, was rather dark in the moonlight, and Mrs. Walsh and Dr. De la Montagne, in their anxiety, did not see her come out; but they were soon satisfied, by the lights in No. 190 being put out and preparations being made to elicit the scene, that she had gone. So they went through Prince street to the Bowery, and there they met a woman of her description with a basket, which Dr. De la Montagne identified as my fishing-basket—the one which he himself had taken to No. 190 Elm street, where he found Speight, and they both saw her go in at the basement door. Then Hopkins was recalled from his Bleeker street station. He joined Speight and myself at the station-house, when we agreed to watch and spot everybody who should go in or out.

They went round, and presently Speight saw a messenger come out. He was dispatched for Dr. Uhl. Within an hour, the two physicians came. Dr. Uhl gave me the signal by coming into the Bond street House, where I was, in the public room.

Soon a gentleman and lady, supposed to be Mr. and Mrs. Will—Mrs. Will is the lady who accompanied Mrs. Cunningham before the Surrogate—were seen to go in. She said, but he came out, and ran very quickly into Second avenue; was pursued by Speight; finally disappeared in a lagerbeer saloon there.

Next, Dr. Uhl came out and joined us on the corner of Broadway; he said that Catlin would be out shortly. He soon came, and was arrested by officers S. J. Smith and Wilson. He was pinioned, as we were informed that he had pistols. Of course, he manifested a great deal of surprise, and wondered what he was arrested for. It was then agreed that Dilks and Montagne

should go to No. 31 Bond street, and state that they had heard that a curious delivery had taken place there, and they wanted to see if it were all right. Two women, the maid and another, came to the door, and told them that Mrs. Cunningham was sick and could not be seen.

The women went up stairs, and the men followed. Mrs. Cunningham was in the second story front room, the room used by Dr. Burdell as a bedroom, and the one in which his corpse was laid out. One of the women said, "Mrs. Burdell, here are two gentlemen want to see you." She said, "Shut the door; they can't come in." Dilks immediately went in and said, "Madam, we don't wish to interrupt you seriously, but we have heard that you have been delivered under suspicious circumstances, and it is our duty to inquire." The light was then down; they turned it up, and saw by her side a sleeping infant. Dr. Montagne recognized it as the child he had carried to Elm street. He had previously marked it with a little lunar caustic under each armpit and under each ear, marks which would not appear for some days. He also out the umbilical cord anew, and retied it with the edging of a pocket handkerchief which there could be no mistake.

Dr. Montagne said to Mrs. Cunningham, "Whose child is this?" She said, "It is my child." He asked if it was the child of Dr. Burdell. She said, "Yes, of course" whose else could it be? I am his widow."

Almost immediately Dilks came down to the door. I remained in the lower hall, and the police went up stairs. I was apprehensive that the child might be killed, and told him to take it away from her at all hazards. They attempted to take it away. She said: "Don't take my baby!" and the women persisted in saying: "You must not take this baby; it is Mrs. Burdell's baby." One of the police asked: "Where is the basket that it was brought here in?" She said, "There is no basket in the case." The police told her that there was no use making any disturbance about it; the Doctors were arrested and everything was found out; that the child belonged to the Bellevue Hospital.

The hospital clothes had been taken from it, and new and elegant apparel, evidently made for the purpose, had been put upon it. In the back room—the room in which Dr. Burdell was murdered—the police found the remains of a lunch. The room had been newly painted and furnished. The walls of the hall which were stained with blood had been painted in fresco.

She still persisted that she had been in labor, and was then suffering with after pains. The basket could not be found high or low. I saw that the police were in full possession, and about 2 o'clock I left. The after-birth that Dr. Montagne brought from Bellevue Hospital, was there; a pall of blood's blood was found and the sheets were saturated with blood. When the child was returned to Bellevue Hospital, its mother was delighted to find that it had such handsome clothing.

The police acted admirably. Early this morning I called upon Superintendent Tallmadge and made a report to him. He declared that he was perfectly satisfied with the course I had taken.

**DR. DE LA MONTAGNE'S ACCOUNT.**  
Dr. De la Montagne, a physician, who, at the District Attorney's request, rendered important service in carrying out this plot and counterplot, yesterday made the following detailed statement of the affair to one of our reporters: Dr. Uhl has been in attendance on Mrs. Cunningham, together with Dr. Catlin of Brooklyn (the man who testified so readily that Mrs. Cunningham had had rheumatism in her right hand, ever since her trial. He was inclined to be quite friendly toward her, and had been led to believe that she was soon to bear a child to Dr. Burdell. She went through the various external gradations of child-bearing—growing larger at a larger every week. About a month ago, Dr. Uhl remarked to her that although she was so near the time of child-birth, there was yet no positive evidence of pregnancy, as it was, under the peculiar circumstances, important that there should be, and he therefore considered it his duty to make a medical examination in order to clearly establish the fact. Mrs. Cunningham said it would be well enough by-and-by, and constantly put him off. When by-and-by came she was still unwilling, and finally told him that it was all false-color; that she had not been pregnant at all; but she said, "You have helped me thus far, and now I must help me to carry it out, and I will reward you handsomely." Up to this time Dr. Uhl had confidence in her, but this bold proposition took him back. He told her he did not then see how he could help her, and when he left her went and consulted counsel, who advised him to lay the whole matter before District Attorney Hall.

The Doctor accordingly stated the case to Mr. Hall, who at once advised him to go and carry the thing out. He was still reluctant, but the District Attorney persuaded him that it was his duty to do all in his power to develop a great crime, and he at last consented. Dr. Uhl then went to Mrs. Cunningham and told her that he had in his hands a "California widow," who was about to be confined, and that it was necessary to dispose of the child irrevocably, as the lady was going to join her husband in California. Mrs. Cunningham was delighted. It was further arranged that Mrs. Cunningham was not to know who the women was, nor the mother to know what became of the child. He told her that he had the woman at a house in Elm street, where she was to be confined. The thing had progressed so far when Mr. Hall stated the circumstances to me, and asked me to render my assistance when the proper time came. To this I assented, and having received a note, I came down yesterday morning. It was determined that I must provide the child from Bellevue Hospital. Accordingly I called at Bellevue, with a note from Governor Smith, and Governor Daly told me that I might make my own selection. I found a pretty, blue-eyed little girl, daughter of Elizabeth Anderson, which was born on Saturday; and the mother consented that I should bring it away on condition that I would take good care of it and bring it back that night. Dr. Uhl met Mrs. Cunningham by appointment at 7 o'clock, and informed me that she was ready to carry out the thing, and expected to be confined that day. He was to meet me at 4 o'clock at his office, but I was too late for that, and met him at 5 o'clock at No. 190 Elm street, a lager beer saloon, kept by a respectable German. Dr. Uhl said she had agreed to be confined that night if he could provide a child by 9 o'clock, in which case he was to go over and let her know at 8 o'clock, and she would send a woman to bring away the child in a basket, which he was to provide. He said that after he left her he came to No. 190 Elm street, and a few minutes after his return, as he was sitting on the window sill, looking out, he saw Mrs. Cunningham pass the house, looking at it as she passed along very intently, as if to spot it. We then concluded that it was necessary to expedite matters. We sent immediately to Mr. Hall's house and had all the necessary furniture brought down for the room we had engaged. Mr. Hall sent down a carpet, a bed, a table, a chair, some trunks, and other furniture, not forgetting a basket for the baby. The great difficulty was to get an after birth, to complete the whole thing, in order that Dr. Uhl might not be suspected. For this purpose I took a carriage and drove straightway to Bellevue Hospital again, leaving Dr. Uhl to arrange the furniture and take care of the baby. At the Hospital at 8 o'clock I got possession of the after-birth of another child, rolled up in a piece of silk oilcloth, and also obtained the services of an intelligent Irish girl named Mary Egan to personate the nurse of the California widow and the baby. A medical gentleman, who does not wish his name to appear, also consented, for the fun of the thing, to act as the widow, lying in bed with a nightcap on and doing the general groaning. He played his part charmingly, groaning terrifically when she came. With my load I drove as fast as possible to Elm street, fearing the woman might get there before me. We stopped with the carriage at the corner of Broome and Elm streets, and proceeded to the house.

Finding I was in due season, I went back and brought up Mary, the nurse. Dr. Uhl then hurried over to Mrs. Cunningham's to tell her it was all right. In the mean time Mr. Hall had posted a number of officers in judicious positions. Officer William B. Walsh of the Court of Sessions was stationed on the opposite side of Elm street, Inspector Speight was stationed near No. 31 Bond street, Inspector Hopkins at the alley in the rear on Bleeker street, and Inspector Dilks was posted in front of Burton's Theater, commanding a view of the whole of Bond street. While Dr. Uhl was gone the medical gentleman assisted me in removing the traces of the old umbilical cord on the child, cutting it very slightly, and binding it over with a piece of silk handkerchief. The medical gentleman then put on his night-cap and went to bed; ready to do the groaning. I marked the child slightly with nitrate of silver behind one ear, and in other places, and then went down stairs and stationed myself on the opposite side of the way, with Officer Walsh. We saw no one enter or leave the house, it was done so quickly and stealthily. In a few moments Dr. Uhl came back and stood in the doorway some time. He had on white pants and a white hat. He then went in. About five or ten minutes after 9 o'clock he came across the way and asked if we saw the woman go in or out. We said no; and he said she had been there, and must have gone right up Broadway to Bond street. Officer Walsh immediately hurried to Bond street and stationed himself under the steps of the house next door to No. 31. I rode up Broadway to Bond street and communicated with Inspector Speight, who informed me that no woman had gone into the house. He said a woman had gone out dressed in dark clothes; a man had gone out wearing a white hat and white pants, and a dark coat (Dr. Uhl), and immediately after another man had entered. I then went to the corner of the Bowery to wait for the return of the woman with the basket. In a little while I saw coming in the distance a great basket, borne by a woman with dark clothes, a very peculiar dress like that of a nun. I walked close up to her, so near that I identified the basket as the one that came from Mr. Hall's house, which I had seen with a baby in it at the house No. 190 Elm street, twenty minutes before. I followed on the other side of Bond street until I met Speight, and said to him, "Do you see her?" "Yes," he replied, "that is the woman that went out and down to Elm street." She went into the house and the door was shut. I may as well mention here Inspector Speight's address. I may as well mention here Inspector Speight's address. I may as well mention here Inspector Speight's address.

Dependent then stated to the said Dr. Uhl that his official opinion his conduct was highly commendable, but that an affidavit at that stage would be of no service, for no overt act sufficient in law toward a woman had been committed. That, however, if he would make a public statement, justice he should have what Mrs. Cunningham had further to say, and should ostensibly lead himself to her plans to track the properly crime; that the said Doctor at first strongly objected, but, after considering the subject, acquiesced to dependent's proposal; that dependent then was the said Dr. Uhl placed from time to time in possession of certain facts, which led to his obtaining a child from Bellevue Hospital, and as dependent is informed and believes to its production to various individuals by the said Mrs. Cunningham as the child of Dr. Burdell and another, the said Mrs. Cunningham as the child of Dr. Burdell and another, the said Dr. Uhl to certain persons, which dependent has been informed and verily believes, the said Burdell on his death-bed.

Dependent states that in everything which the said Dr. Uhl has done he has acted with the advice and consent and at the suggestions of this dependent in his official capacity. Dependent has no personal knowledge of any of the facts constituting the alleged offense, but makes this affidavit, asking that an investigation may be had in due course of law.

He charges, on information and belief, that the said Mrs. Cunningham, in committing the felony of procuring an infant fraudulently, and falsely representing that it was the child of herself as Mrs. Burdell, the wife of Harvey Burdell, and of the said Harvey Burdell, now deceased, as its father, and therefore the heir of his estate, was guilty of a felony, and that the said Dr. Uhl, who was engaged in the said conspiracy, and who after the child and return with it in a basket to the house. A messenger in a rail road car, who recognized Mrs. Cunningham going down the Bowery on the night of the 3d of August, and who was seen by dependent is ignorant of what was Inspector Speight knows.

Officers Walsh, S. J. Smith and Wilson of the Fifth Precinct, who made the arrest and heard the admissions of said Mrs. Cunningham as to the child. Inspectors Dilks and Hopkins who also were present at the arrest and who engaged in the delivery of Mrs. Cunningham. Dr. Uhl who was present during the alleged delivery of Mrs. Cunningham.

Dr. Walter B. Roberts, who has (as dependent verily believes) been informed by Mrs. Cunningham that she was *en ventre*; also, Miss Hester Van Ness to the same effect; also, Mr. and Mrs. Will to the same effect; also, Mrs. Egan, the nurse, who was in the house at the time of Mrs. Cunningham's family to the same effect, whose name dependent does not know; also, one Dr. Catlin, who has been arrested coming from the house on the night of August 3; also, the two nurses then arrested in No. 31 Bond street, and the present prison term of one day, Mrs. Cunningham be examined by matrons. Further, on his information and belief, dependent saith not.

(Signed) A. OAKLEY HALL, sworn to before me this 4th day of August, 1897. Wm. Davidson, Police Justice.

**AFFIDAVIT OF DR. DE LA MONTAGNE.**  
Johs De la Montagne, being sworn, says that he is by profession a physician, and resides at 154 West 12th street, Dutchess County; that on Monday, the 3d of August inst., at the request of A. Oakley Hall, esq., District Attorney of the County of New York, he became a personal friend and family physician to Mrs. Hall in the discovery of an alleged felony; that on the said day, in company with this District Attorney, he had an interview with Timothy Daly, esq., Warden of the City Hospital, upon the production of a letter from Washington Smith, esq., one of the Ten Governors.

That the said Timothy Daly furnished this dependent with a female child two days old, with the consent of its mother, and with the said child and a nurse he proceeded to certain apartments, No. 190 Elm street, that there, on the evening of the said day, the said female child was marked by this dependent with lunar caustic behind its left ear and under the arms. Another dependent told about the umbilical cord a minute edging of a pocket handkerchief.

This dependent then took a position on the side of Elm street opposite to No. 190 Elm street with William B. Walsh, a patrolman of Police to watch the said premises; that soon afterward about the hour of 9 p. m., this dependent failed to perceive any person coming out went into the Bowery, and dependent saw a woman in the Bowery on the block between Bleeker and Bond streets, who was carrying a basket, and who was dressed in dark clothes with a close hood on her head; that dependent recognized the basket distinctly as one which dependent had taken from the house of the said Dr. Uhl, and that after noon proceeded from the house of the said Dr. Uhl, and who was carrying a basket, and who was dressed in dark clothes with a close hood on her head; that dependent saw Inspector Speight of the Metropolitan Police to whom he had that day been introduced, and called attention to the same, of the fact of entrance, and dependent is informed and believes that the said Inspector Speight saw the person enter the house.

## JUDICIAL PROCEEDINGS.

During yesterday number of affidavits in connection with this remarkable affair were made before Justice Davidson at the Jefferson Market Police Court. We present copies below:

A. OAKLEY HALL'S AFFIDAVIT. A. Oakley Hall, being duly sworn, deposes and says,